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Michael Shappell

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EXAMINER

LIN, SHEW FEN

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/692,501	Applicant(s) SHAPPELL ET AL.	
	Examiner SHEW-FEN LIN	Art Unit 2166	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,5-8 and 12-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,5-8 and 12 is/are rejected.
- 7) ☒ Claim(s) 13-17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

- a. This action is taken in response to amendments and remarks filed on 10/20/2008.
- b. Claims 1, 3, and 12 have been amended. Claims 2 and 9-11 are canceled. Claims 13-17 are new. Claims 1, 3, 5-8, and 12-17 are pending.

Response to Amendments

In view of the amendment to claims 9 and 11 (the claims are canceled), the Examiner withdraws the claim objection stated in the previous office action.

It is noted that each pages of Amendments and Remarks containing three line-through lines which greatly reduce legibility. It creates difficulty to distinguish between underline; strike-through used by the amended claims and the three line-through lines, especially for the amendments made to claim 1. Clear copies of Amendments and Remarks are recommended.

Claim Objections

Claims 5, and 13 recite "if" statements which suggests an optionally, passive recitation and optionally recited limitations are not guaranteed to take place and are therefore not given complete patentable weight, see MPEP § 2106 Section II(C). In order to have the remaining limitations after the "if" statement fully considered and given complete patentable weight, the "if" recitation should be changed to a definite language. Furthermore, the phrase "portions of the updated shared file" renders the claim indefinite because the claim(s) include(s) elements not actually disclosed, thereby rendering the scope of the claim(s) unascertainable. It is unclear whether "portions of the updated shared file" referred to "the updated shared file" generated by

Art Unit: 2166

the first computing device or referred to "portions" of "the updated shared file" generated by the first computing device. It is also unclear what constitute "portions" of "the updated shared file".

Regarding to claims 5 and 13, it is unclear whether the cited limitation, "receiving a user-demanded file replication indication" is part of file replication setting or a user action.

Claims 15-17 recite " wherein providing a user interface at the second computing device comprises providing the user interface at the second computing device" appear to duplicate the same limitation.

Claim 16 recites "members contribution setting", based on Fig. 9, it should states "member contributions setting ".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Bill Pitzer (“Special Edition Using Groove ®2.0”, July 18, 2002, published by Que, hereinafter “Pitzer”).

As to **claim 1**, Pitzer discloses **a method of enabling file sharing over a serverless peer-to-peer computer network** (page 1-4, Groove's architecture is built on the concept of peer-to-peer (P2P) networking, page 1-5, Groove's decentralized structure, i.e. serverless) **among members of a shared space peer-to-peer group** (page 1-13, In a personal setting, families and other small groups can share personal documents, graphics, music files, and anything else that lets them connect with other members in the group) , **the method comprising:**

displaying to a first member of the shared space peer-to-peer group associated with a first computing device in the serverless peer-to-peer computer network, a shared space indicator (pages 4-22, 4-50 to 4-53, shared space explorer) **including a first folder object** (page 4-51, page 7-2, file folders),

the first folder object associated with the shared space peer-to-peer group (page 7-2, classroom space) **and enabled to contain one or more shared file objects** (pages 7-2 to 7-5, shared files),

the shared space peer-to-peer group comprising a shared space peer-to-peer group owner, a first folder object owner, the first member of the shared space peer-to-peer group and at least one other member of the shared space peer-to-peer group (pages 2-36, 2-37, 4-1 to 4-3, 4-9 to 4-12, 4-29, 7-5);

displaying to the first member of the shared space peer-to-peer group for selecting a set of folder system operations (page 4-50, Groove workspace interface similar to window

Art Unit: 2166

explorer) **including: create folder object** (pages 4-31, 7-3, add folder), **rename folder** (pages 4-25 to 4-26, rename a tab, page 8-3, rename file), **delete folder object** (pages 4-31, 7-7, delete files), **hide folder object** (page 7-2, hiding the folders listing), **show hidden folder object** (pages 4-29, 4-35, 4-53 to 4-54, It can be displayed or hidden by clicking the Show/Hide status bar button as shown in Figure 4.54), **change folder object setting** (page 4-31, modify permissions), **replicate file setting** (page 1-14, shared space synchronized) **and specify new content of folder object** (page 4-25, an unread icon to alert you that changes have been made);

receiving from the first member of the shared space peer-to-peer group a first request to perform one from the set of folder system with respect to the first folder object (pages 7-2 to 7-8);

performing the first requested folder system operation (pages 7-2 to 7-8); **and sending a direct communication** (pages 1-10, 1-13, Groove provide direct communication) **from the first member of the shared space peer-to-peer group over the serverless peer to peer network to a second computing device used by the at least one other member of the shared space peer-to-peer group that has permission to receive the communication to indicate that the first folder object has been modified by the first member of the shared space peer-to-peer group after such folder system operation has been performed** (pages 4-23, 7-4, 7-5, transfer change to other members, page 7-7, notify when a file has changed) **wherein a graphical representation of the first folder object modification is displayed on the second computing device used by the at least one other member of the shared space peer-to-peer group** (page 3-30 to 3-31, 4-45, 4-51, 4-52, shared space status icons).

As to claim 3, Pitzer discloses the method according to claim 1, further comprising presenting a graphical representation of the first requested folder system operation to the first member of the shared space peer-to-peer group in response to receiving the folder system operation first request (pages 4-50 to 4-51, 7-2 to 7-8).

As to claim 12, Pitzer discloses the method of claim 1, wherein the first folder object is a shared space folder object corresponding to the shared space peer-to-peer group, and the method further comprising:

performing the rename folder object operation only if an owner request to perform the rename folder operation is received from the shared space peer-to-peer group owner (pages 4-9 to 4-12, 4-30 to 4-32, manager is the highest permission level, rename tool, picture..) ; and

if an owner request to perform the delete folder object operation is received from the shared space peer-to-peer group owner, performing the delete folder object operation (pages 4-9 to 4-12, 4-30 to 4-32, manager is the highest permission level, delete any entry, delete any contact, delete any document...) and:

prohibiting alteration of one or more shared space peer-to-peer group properties by members of the shared space peer-to-peer group other than the shared space peer-to-peer group owner (pages 4-9 to 4-12, 4-30 to 4-32, guest role is used for read-only access),

preventing new members from being invited to join the shared space peer-to-peer group (pages 4-9 to 4-12, guest role can't invite new participants, Fig. 4-11, invited permissions can be unselected for individual), and

maintaining access, for the members of the shared space peer-to-peer group other than the shared space peer-to-peer group owner to the shared space folder object (pages 4-9 to 4-12, 4-30 to 4-32).

Claim 5 is rejected under 35 U.S.C. 102(e) as being anticipated by Aboulhosn et al. (US Patent 6,938,042, hereinafter Aboulhosn).

As to claim 5, Aboulhosn discloses a method for updating a shared file in a computer network including a group of communicating computing devices in a peer-to-peer network (abstract, the file sharing system detects the access and requests that the file owner provide a copy of the file to the accessing member on a peer-to-peer basis, col. 1, lines 59-60, group), **the method comprising**

performing, at a first computing device, a file system operation on a shared file associated with a first file icon corresponding to the shared file displayed in a first shared space display area to generate an updated shared file (Figure 1, col. 4, lines 1-12, col. 2, line 67, col. 9, lines 42-46);

creating, at the first computing device, metadata associated with the updated shared file (col. 2, lines 36-40, col. 9, lines 42-46);

directly propagating, by the first computing device to a second computing device that has permission (to group member, col. 2, lines 47-48, col. 10, lines 6-7, file is transferred on a peer-to-peer basis, i.e. direct propagating), **the metadata associated with the updated shared file** (col. 2, lines 18-20, col. 9, lines 42-46);

obtaining, by the second computing device, the metadata associated with the updated shared file (col. 2, lines 24-27, lines 40-41, col. 9, lines 42-46);

determining, by the second computing device based on a file replication setting, whether the updated shared file should be replicated on the second computing device (col. 2, lines 3-7) comprising:

if the file replication setting indicates an on-demand basis, downloading, by the second computing device from multiple computing devices of the group, portions of the updated shared file upon receiving a user-demanded file replication indication (abstract, col. 2, lines 3-7, lines 20-22, lines 64-67, col. lines 41-43, col. 9, lines 47-49), and

if the file replication setting indicates automatic replication, automatically downloading, by the second computing device from multiple computing devices of the group, portions of the updated shared file (Aboulhosn col. 1 line 59 – col. 2 line 23 e.g. Whenever a shared file is modified, the file owner sends updated metadata for that file to the other members of the group, col. 2, lines 64-67, col. lines 41-43,)),

wherein the multiple computing devices of the group are selected based upon at least one from a set of routing factors comprising: IP address (Aboulhosn col. 3 lines 1-13 e.g. IP address) and least routing time; and

displaying a second file icon corresponding to the shared file in a second shared space display area of the second computing device indicating that the shared file has been updated (Figures 2-4, col. 2, lines 17-30, col. 4, lines 13-23, col. 4, lines 32-33).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aboulhosn in view of Taylor et al. (US Patent 5,754,306, hereinafter referred as Taylor).

As to claims 6 and 7, Aboulhosn discloses the elements of claim 5 as noted above but does not explicitly disclose the step of displaying, by the second computing device, a third file icon corresponding to the shared file in the second shared space display area indicating that the shared file has not been updated when the updated shared file should not be replicated on the second computing device.

Taylor discloses the step of displaying a third file icon when the file has not be updated (Figure 20A, col. 28, lines 3-6).

It would have been obvious to a person of ordinary skill in the art at the time of invention was made to modify the disclosure of Aboulhosn combination to include different display for unsynchronized files as taught by Taylor for the purpose of identifying unsynchronized files (col. 27, lines 23-26, Taylor). The skilled artisan would have been motivated to improve the invention of Aboulhosn combination per the above such that different icon is used to indicated the file is not updated (col. 27, lines 23-29, Taylor).

As to claim 8, Aboulhosn discloses wherein the first shared space display area is a folder object (Figure 1, col. 3, lines 66-67, col. 5, lines 17-19).

Allowable Subject Matter

Claims 13-17 would be allowable if rewritten to overcome the claim rejections, set forth in this Office Action.

Response to Arguments

Applicant's arguments and remarks have been fully and carefully considered.

Applicant argues that Aboulhosn do not have any teaching or suggestion of "determining, by the second computing device based on a file replication setting, whether the updated shared file should be replicated on the second computing device" because no "file replication setting"

indicating "whether the updated shared file should be replicated on the second computing device" as called for by claim 5.

The Examiner respectfully disagrees.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., file replication setting indicating whether the updated shared file should be replicated on the second computing device) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Aboulhosn discloses that the files in the folder of a member may be actual files stored at that member, which contains the content of the shared file, or virtual files identifying the actual file that is stored at another member, i.e. the member can decide to have either actual files or virtual files for the shared files.

Applicant further argues that Aboulhosn does not teach or suggest the element of claim 5 "if the file replication setting indicates an on-demand basis, downloading, by the second computing device from multiple computing devices of the group, portions of the updated shared file upon receiving a user- demanded file replication indication" because Aboulhosn let alone a "file replication setting indicat[ing] an on-demand basis," as called for in claim 5.

The Examiner respectfully disagrees.

In response to the argument, first, the claim as it is written does not provide clear definition of "portions of the updated shared file" and "a user- demanded file replication indication ". Second, Aboulhosn discloses when a member accesses a virtual file, the file sharing system detects the access and requests that the file owner provide a copy of the file to the

Art Unit: 2166

accessing member on a peer-to-peer basis (see abstract) which is consistent with on-demand downloading described in the instant specification that "Files that are used in the shared space can be copied to the local machine when they are accessed, that is, they can be copied on an on - demand basis", therefore, Aboulhosn clearly teaches the limitation as claimed.

Applicant further argues that The Office Action was silent on any passage that teaches, discloses or suggests downloading "from multiple computing devices of the group, portions of the updated shared file," as called for in claim 5.

The Examiner respectfully disagrees.

In response to the argument, Aboulhosn discloses a method and system for sharing files between a group of computer systems. The file sharing system allows a group of computer systems to be defined. The files shared by a group are associated with a group folder. The updated metadata or updated shared files can be download wither from file owner or group owner, i.e. multiple computing devices.

Applicant further argues that Aboulhosn does not teach "wherein the multiple computing devices of the group are selected based upon at least one from a set of routing factors comprising: IP address and least routing time.",

The Examiner respectfully disagrees.

In response to the argument, Aboulhosn discloses when a member goes online, its access information (e.g., IP address) is provided to the authentication server so that other members of the group can send messages (e.g., metadata updates) to that member, i.e. members of the group are identified (selected) based on the IP address.

For the above reasons, it is believed that the rejections should be sustained.

Applicant's arguments with respect to claims 1, 3, and 12 have been considered but are moot in view of new grounds of rejection.

Conclusion

Applicant's amendment necessitated the new grounds of rejection presented in this Office Action. Accordingly, **THIS ACTION IS MADE FINAL**. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shew-Fen Lin whose telephone number is 571-272-2672. The examiner can normally be reached on 8:30AM - 5:00PM.

Art Unit: 2166

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Shew-Fen Lin /S. L./
Examiner, Art Unit 2166
December 26, 2008

/Hosain T Alam/
Supervisory Patent Examiner, Art Unit 2166